



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

JEFFREY ALNWICK

Serial No. : 09/732,738

Filed : December 11, 2000

For : METHOD AND SYSTEM FOR ORDERING
ITEMS OVER THE INTERNET

Examiner : Melanie Kemper

CERTIFICATE OF MAILING UNDER 37CFR 1.10

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express mail in an envelope addressed to Commissioner of Patents & Trademarks, Washington, D.C. 20231

Bernard Malina 10/15/01
Bernard Malina, Attorney Date

Express

EL549543920US

DETAILED DISCUSSION OF REFERENCES

Commissioner of Patents and Trademarks
Washington, DC 20231

ATTN: GROUP DIRECTOR

Sir:

The present invention as currently claimed is directed to a system for allowing buyers to search an inventory of items provided by at least two vendors. An exchange platform is provided at a location remote from the buyer and the vendors. This exchange platform would include information such as the vendor's inventories allowing the buyers to review the inventory of each of the vendors. A transmission means is provided for transmitting the inventory from the vendors to this exchange platform. Additionally, each buyer can directly order from the vendors without ordering through the exchange platform. The exchange platform would allow vendors to participate in this system as search time participants, order time participants or real time participants.

RECEIVED
OCT 19 2001
Technology Center 2100

The present application recites 14 claims including independent claims 1 and 14. Claim 1 is directed to a system in which the exchange platform is located at a location remote from the buyer and the buyer is allowed to directly order from the vendors without ordering through the exchange platform. Claim 14 recites a system in which the exchange platform allows vendors to be search time participants, order time participants or real time participants.

The following references were deemed to be relevant to the present invention.

4,992,940	Dworkin
5,940,807	Purcell
6,009,413	Webber et al
6,014,644	Erickson
6,023,683	Johnson et al
6,055,516	Johnson et al
6,081,789	Purcell

Purcell '807 and Purcell '789 are directed to automated and independently accessible inventory information exchange systems. As illustrated in Figure 1, a host information management system 10 is established within a computer system managing and processing information provided by a plurality of remote sellers 21, 22, 23 and 24. A plurality of remote buyers 41, 42 and 43 would also have access to the host information management system. Neither of the Purcell references would anticipate or suggest a system in which the buyer would not order directly through the host information management system or would include the ability for the sellers to act as search time participants, order time participants and real time participants as required by either independent claim

1 or independent claim 14.

The patent to Dworkin describes a system and method for the automated selection of equipment for purchase through input of user desired specifications. A plurality of vendors 9a, 9b, 9c and 9d are connected to a CPU 1. This reference also does not allow a buyer to directly order from the vendors without ordering through the exchange platform and also does not include the ability for the vendors to be search time participants, order time participants or real time participants.

Johnson et al '683 and Johnson et al '516 are directed to electronic sourcing systems and methods. It is noted that there is no exchange platform remote from a plurality of vendors as well as a plurality of buyers.

The patent to Webber et al describes a system for real time shopping. A plurality of vendors such as a bookstore 42, a florist 44 and a gift shop 46 are connected to a switch 48. A user's micro 58 is connected to the switch 48 through a network host 56. This patent also does not include an exchange platform remote from a plurality of vendors in which at least one buyer can review the inventory of the vendors on the exchange platform.

The patent to Erickson shows a centrally coordinated communication system with multiple broadcast data objects and response tracking. A plurality of suppliers 12 are connected to a service provider 14. A plurality of buyers 10 are also connected to the service provider 14.

It is believed that none of the references cited herein

anticipate or suggest the system as recited in claims 1 and 14. More specifically, none of these references recite an exchange platform remote from a plurality of buyers and vendors in which the buyer can order without directly going through the exchange platform as recited in independent claim 1. Additionally, since dependent claims 2-13 depend either directly or indirectly from claim 1, it is believed that these claims also recite patentable subject matter.

Finally, it is noted the claim 14 allows the vendors to participate as order time participants, real time participants or search time participants. These features are also not anticipated or suggested by the references enclosed herewith.

Respectfully submitted,

MALINA & WOLSON

By: 

Bernard Malina, Reg. No. 24,172
60 East 42nd Street
New York, N.Y. 10165
(212) 986-7410
Attorneys for Applicant

Dated: October 12, 2001

c:\clients\doCKET\misc\references.910